

JAMES S. LOCHEAD, ESQ.

490 S. Fair Oaks Avenue

Pasadena, CA 91105

Phone: (626) 375-2295

Email: AggressiveDefense@hotmail.com

Attorney for

Mohamad Yassin Alcharihi

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

MOHAMAD YASSIN
ALCHARIHI

Applicant & Claimant,

vs.

ONE ANCIENT MOSAIC

Defendant,

CASE NO.: **2:18-cv-04420-JFW-SS**

**HONORABLE JOHN F. WALTER
COURTROOM**

**DECLARATION OF MOHAMAD
YASSIN IN SUPPORT OF MOTION OF
MOHAMAD YASSIN ALCHARIHI TO
UNSEAL DOCUMENTS HELD BY US
GOVERNMENT REGARDING THE
MATTER OF THE SEIZURE OF ONE
2000-YEAR-OLD ROMAN ERA
MOSAIC OF HERCULES, CR MISC.
NO. 16-00823-GW**

Date: November 25, 2019

Time: 1:30 PM

Courtroom: Courtroom 7A;
Hon. John F. Walker

DECLARATION OF MOHAMAD YASSIN ALCHARIHI

I, Mohamad Yassin Alcharihi do declare and state as follows:

1. I am a the Applicant Claimant in this action. I am personally familiar of the contents as stated herein. If called as witness, I could, and would, competently attest thereto.

2. I make this Declaration in Support of my motion in support of my **EX PARTE APPLICATION OF MOHAMAD YASSIN ALCHARIHI TO UNSEAL DOCUMENTS HELD BY US GOVERNMENT REGARDING THE MATTER OF THE SEIZURE OF ONE 2000-YEAR-OLD ROMAN ERA MOSAIC OF HERCULES, CR MISC. NO. 16-00823-GW; DECLARATION OF MOHAMAD YASSIN IN SUPPORT.**

3. I am a resident of Palmdale, California. ALCHARIHI is the sole individual owner of all the seized property described in detail herein which is the subject of this complaint, including but not limited to a Greek Mosaic, known as the 11th Trial of Hercules, which he imported as trash and restored to value spending over \$40,000 for the technique of restoration and preservation. Petitioner wants his property returned released and returned to him as the proper and sole owner of all property described in the Search and Seizure Warrant, at issue herein. (Attached hereto as Exhibit A – is a true and correct copy of the Search Warrant in this matter.)

4. On March 19, 2016, Special Agents of the FBI and Department of Homeland Security, Homeland Security Investigations (“HSI”) executed Search and Seizure Warrant No. 16-0589M, signed by the Honorable Jacqueline Choolijian, United States Magistrate Judge, for the search of my residence in Palmdale, California. The search warrant directed agents to seize items constituting evidence, contraband, fruits, and/or instrumentalities of violations of 18 U.S.C. § 542 (entry of goods into the United States by means of false statements), and 18 U.S.C. § 545 (smuggling goods into the United States), including but not limited to: looted and/or stolen antiquities appearing to

originate from Syria and/or Turkey, including mosaics and records related to antiquities. (Exhibit A.)

5. Pursuant to the search warrant, agents seized items that agents believed constituted evidence, contraband, fruits, and/or instrumentalities of the listed offenses, including the "2000-year-old era mosaic of Hercules" (the "Mosaic"), with FBI identification number 3410160067, that is the subject of Petitioner's Petition. When the item was imported to the United States, it was in poor condition and in need of restoration. I restored the Mosaic. (Exhibit A.)

6. The Greek Mosaic is the most valuable item in the list of property seized and sought to be returned to the Petitioner. It is the only item for which the FBI gave an identification number as indicated in the Summary. The Mosaic, popularly described in the antiquities industry as "The Eleventh Labor of Hercules" is a famous Mosaic in the history of Greek mythology. It was damaged and in no condition to be displayed or shown to viewers as an item in a museum or other display venue.

7. I paid for the importation of the Mosaic and all the other items on the list. Some items, however, were computers and records which were not related to importation of the Mosaic, but they were still seized by the government. Unfortunately, this action has destroyed my business of restoring items and conserving items which he legally acquires.

8. I filed all necessary claims of ownership and release of all properties.

9. On, May 20, 2016, my attorney forwarded a Legal Memorandum to the FBI showing in detail based on the facts and the case law that they had made a mistake and that Islamophobia and racism was the only basis for the search and seizure by the FBI. The Legal Memorandum requested return of all the seized property. (Attached hereto as Exhibit B, is a true and correct copy of the March 20, 2016 Memorandum.)

10. Thereafter, the FBI denied my claim of ownership and for release, and on May 17, 2016, the FBI initiated administrative forfeiture proceedings against the Mosaic by sending me a notice of the seizure.

1 11. In response, I submitted a claim to the FBI contesting the administrative
2 forfeiture of the Mosaic. On the second page of his administrative claim, I identified the
3 Mosaic as a “Turkish Mosaic.”

4 12. In response to the FBI’s proceedings, I provided a document marked as
5 Exhibit A to the administrative claim, an invoice for the purchase of the Mosaic. The
6 invoice was written in Turkish and English and listed the business that sold the Mosaic
7 to me as “Ahmet Bostanci” with an address in a province in Turkey. The invoice
8 included a statement: “We Hereby declare and Certify that the contents covered by this
9 receipt are all Turkish origin and has nothing to do whit [sic] Israel what so ever.”

10 13. Additionally, I submitted a copy of a Certificate of Origin to the
11 Administrative Claim, reflecting Turkey as the country of origin of the Mosaic.

12 14. As a result of Defendants unlawful seizure and retention of his property, I
13 have, and continue to incur, substantial hardship due to the government's seizure of the
14 subject Mosaic and other property and its failure to initiate formal forfeiture proceedings
15 or take action on my request for return of the Mosaic and other subject property.

16 15. In particular, I need to perform further restoration on the Mosaic and the
17 FBI is unskilled, inexperienced and abysmally careless when it comes to preserving
18 antiquities such as the Mosaic, other antiquities and properties, including but not limited
19 to statues, and antiquities that need restoration and conversation. This seizure in addition
20 is causing a loss of goodwill and the risk of permanently losing the interest of potential
21 buyers of the Mosaic and other properties, and continuing infringement of my Fourth
22 Amendment rights.

23 16. I request the release of the following categories of documents:

- 24 1) From the UNITED STATES ATTORNEY’S OFFICE FOR THE
25 CENTRAL DISTRICT OF CALIFORNIA, all information,
26 documents, objects, and/or materials pertaining to any
27 investigation (whether for asset forfeiture, criminal prosecution,
28 or any other reason) of MOHAMAD YASSIN ALCHARIHI

1 from 2010 until the present, including but not limited to formal
2 or informal reports; information pertaining to or gathered
3 through surveillance; search warrants, affidavits, and returns;
4 internal notes and memoranda; inner-office directives;
5 transcriptions and/or recordings of interviews; communications
6 with other federal agencies or entities, state and federal law
7 enforcement, and state and federal prosecutors; computer
8 database entries or records, including any metadata about when
9 certain data were entered, modified, deleted, or accessed.

10 2) From the FEDERAL BUREAU OF INVESTIGATIONS, all
11 information, documents, objects, and/or materials pertaining to
12 any investigation (whether for asset forfeiture, criminal
13 prosecution, or any other reason) of MOHAMAD YASSIN
14 ALCHARIHI from 2010 until the present, including but not
15 limited to formal or informal reports; information pertaining to
16 or gathered through surveillance; search warrants, affidavits, and
17 returns; internal notes and memoranda; inner-office directives;
18 transcriptions and/or recordings of interviews; communications
19 with other federal agencies or entities, state and federal law
20 enforcement, and state and federal prosecutors; computer
21 database entries or records, including any metadata about when
22 certain data were entered, modified, deleted, or accessed.

23 3) From the US DEPARTMENT OF HOMELAND SECUIRTY,
24 all information, documents, objects, and/or materials pertaining
25 to any investigation (whether for asset forfeiture, criminal
26 prosecution, or any other reason) of MOHAMAD YASSIN
27 ALCHARIHI from 2010 until the present, including but not
28 limited to formal or informal reports; information pertaining to

1 or gathered through surveillance; search warrants, affidavits, and
2 returns; internal notes and memoranda; inner-office directives;
3 transcriptions and/or recordings of interviews; communications
4 with other federal agencies or entities, state and federal law
5 enforcement, and state and federal prosecutors; computer
6 database entries or records, including any metadata about when
7 certain data were entered, modified, deleted, or accessed.

8 4) From the UNITED STATES ATTORNEY'S OFFICE FOR
9 THE CENTRAL DISTRICT OF CALIFORNIA, all
10 information, documents, objects, and/or materials pertaining to
11 any investigation (whether for asset forfeiture, criminal
12 prosecution, or any other reason) regarding ONE 2000-YEAR-
13 OLD ROMAN ERA MOSAIC OF HERCULES, from 2010 until
14 the present, including but not limited to formal or informal
15 reports; information pertaining to or gathered through
16 surveillance; search warrants, affidavits, and returns; internal
17 notes and memoranda; inner-office directives; transcriptions
18 and/or recordings of interviews; communications with other
19 federal agencies or entities, state and federal law enforcement,
20 and state and federal prosecutors; computer database entries or
21 records, including any metadata about when certain data were
22 entered, modified, deleted, or accessed.

23 5) From the FEDERAL BUREAU OF INVESTIGATIONS, all
24 information, documents, objects, and/or materials pertaining to
25 any investigation (whether for asset forfeiture, criminal
26 prosecution, or any other reason) ONE 2000-YEAR-OLD
27 ROMAN ERA MOSAIC OF HERCULES, from 2010 until the
28 present, including but not limited to formal or informal reports;

1 information pertaining to or gathered through surveillance;
2 search warrants, affidavits, and returns; internal notes and
3 memoranda; inner-office directives; transcriptions and/or
4 recordings of interviews; communications with other federal
5 agencies or entities, state and federal law enforcement, and state
6 and federal prosecutors; computer database entries or records,
7 including any metadata about when certain data were entered,
8 modified, deleted, or accessed.

9 6) From the US DEPARTMENT OF HOMELAND SECUIRITY,
10 all information, documents, objects, and/or materials pertaining
11 to any investigation (whether for asset forfeiture, criminal
12 prosecution, or any other reason) ONE 2000-YEAR-OLD
13 ROMAN ERA MOSAIC OF HERCULES, from 2010 until the
14 present, including but not limited to formal or informal reports;
15 information pertaining to or gathered through surveillance;
16 search warrants, affidavits, and returns; internal notes and
17 memoranda; inner-office directives; transcriptions and/or
18 recordings of interviews; communications with other federal
19 agencies or entities, state and federal law enforcement, and state
20 and federal prosecutors; computer database entries or records,
21 including any metadata about when certain data were entered,
22 modified, deleted, or accessed.

23 7) From the Internal Revenue Service, all information, documents,
24 objects, and/or materials pertaining to any investigation (whether
25 for asset forfeiture, criminal prosecution, or any other reason) of
26 MOHAMAD YASSIN ALCHARIHI from 2010 until the
27 present, including but not limited to formal or informal reports;
28 information pertaining to or gathered through surveillance;

1 search warrants, affidavits, and returns; internal notes and
2 memoranda; inner-office directives; transcriptions and/or
3 recordings of interviews; communications with other federal
4 agencies or entities, state and federal law enforcement, and state
5 and federal prosecutors; computer database entries or records,
6 including any metadata about when specific data were entered,
7 modified, deleted, or accessed.

8 8) From the Internal Revenue Service, all information, documents,
9 objects, and/or materials pertaining to any investigation (whether
10 for asset forfeiture, criminal prosecution, or any other reason) of
11 ONE 2000-YEAR-OLD ROMAN ERA MOSAIC OF
12 HERCULES, from 2010 to the present, including but not limited
13 to formal or informal reports; information pertaining to or
14 gathered through surveillance; search warrants, affidavits, and
15 returns; internal notes and memoranda; inner-office directives;
16 transcriptions and/or recordings of interviews; communications
17 with other federal agencies or entities, state and federal law
18 enforcement, and state and federal prosecutors; computer
19 database entries or records, including any metadata about when
20 specific data were entered, modified, deleted, or accessed.

21 9) Any and all evidence or information pertaining to meetings
22 and/or communications about MOHAMAD YASSIN
23 ALCHARIHI between state law enforcement and federal law
24 enforcement for *any* purpose, from 2010 until the present,
25 including communications pertaining to asset forfeiture and
26 criminal investigation - in particular, defendants seek all
27 evidence and information pertaining to the state “hand off” of the
28 case to one or more federal agencies.

- 1 10) Any and all evidence or information pertaining to meetings
2 and/or communications about ONE 2000-YEAR-OLD ROMAN
3 ERA MOSAIC OF HERCULES, between state law enforcement
4 and federal law enforcement for *any* purpose, from 2010 until the
5 present, including communications pertaining to asset forfeiture
6 and criminal investigation - in particular, defendants seek all
7 evidence and information pertaining to the state “hand off” of the
8 case to one or more federal agencies.
- 9 11) Any and all evidence or information regarding government
10 surveillance operations that occurred during and between 2010
11 and the present by federal law enforcement (or its agents)
12 regarding MOHAMAD YASSIN ALCHARIHI.
- 13 12) Any and all evidence or information regarding government
14 surveillance operations that occurred between 2010 and the
15 present by federal law enforcement (or its agents) regarding ONE
16 2000-YEAR-OLD ROMAN ERA MOSAIC OF HERCULES.
- 17 13) An order compelling the government to complete its disclosures
18 by a certain date, to indicate which disclosures are responsive to
19 which requests, to provide a list of items that have been requested
20 but whose disclosure is refused, and prohibiting withholding of
21 discovery or other materials to which the defense is entitled.
- 22 14) Any and all evidence or information, including all information
23 subject to disclosure under Rule 16 in the possession, custody, or
24 control of the government, or the existence of which is known,
25 or by the exercise of due diligence could become known to the
26 government, which evidence or information the government
27 presently or at any time contemplates or considers using in its
28 evidence at trial, in order to afford the Defendant an opportunity

1 to move for suppression.

2 15) In addition to such other evidence as may be subject to F.R.Cr.P.
3 Rule 12(b)(4), notice of the following specific evidence of
4 information is requested pursuant to F.R.Cr.P. Rule 12(b)(4):
5

6 a. Evidence that was obtained through the illegal March 19, 2016
7 seizure, *or that relates to or was derived from* the March 19, 2016
8 search or seizure.
9

10 b. Evidence that was obtained through any warrantless search or
11 seizure, or that relates to or was derived from any such search or
12 seizure regarding MOHAMAD YASSIN ALCHARIHI;
13

14 c. Evidence that was obtained through any warrantless search or
15 seizure, or that relates to or was derived from any such search or
16 seizure regarding ONE 2000-YEAR-OLD ROMAN ERA MOSAIC
17 OF HERCULES;
18

19 d. Evidence that was obtained through the execution of any search or
20 seizure warrant, or that relates to or was derived from any such
21 warrant regarding MOHAMAD YASSIN ALCHARIHI;
22

23 e. Evidence that was obtained through the execution of any search or
24 seizure warrant, or that relates to or was derived from any such
25 warrant regarding ONE 2000-YEAR-OLD ROMAN ERA MOSAIC
26 OF HERCULES;
27

28 f. Evidence that was obtained through any electronic or mechanical

1 surveillance or tape recordings, or that relates to or was derived from
2 any such surveillance or recordings regarding MOHAMAD YASSIN
3 ALCHARIH;

4
5 g. Evidence that was obtained through any electronic or mechanical
6 surveillance or tape recordings, or that relates to or was derived from
7 any such surveillance or recordings regarding ONE 2000-YEAR-
8 OLD ROMAN ERA MOSAIC OF HERCULES;

9
10 h. Evidence that was obtained through any use of a mail cover, or that
11 relates to or was derived from any such mail cover regarding
12 MOHAMAD YASSIN ALCHARIH;

13
14 i. Evidence that was obtained through any use of a mail cover, or that
15 relates to or was derived from any such mail cover regarding ONE
16 2000-YEAR-OLD ROMAN ERA MOSAIC OF HERCULES;

17
18 j. Any evidence relating to the exhibition or display of the defendant's
19 photograph, likeness, image, or voice recording to anyone, not then
20 employed by a law enforcement agency regarding MOHAMAD
21 YASSIN ALCHARIH;

22
23 k. Any evidence relating to the exhibition or display of the defendant's
24 photograph, likeness, image, or voice recording to anyone, not then
25 employed by a law enforcement agency regarding ONE 2000-
26 YEAR-OLD ROMAN ERA MOSAIC OF HERCULES;

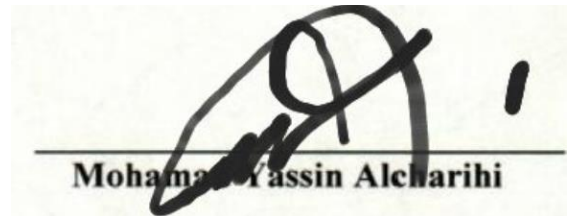
1 l. Any written, recorded, or oral statements of MOHAMAD YASSIN
2 ALCHARIH, or any other written, recorded, or oral statements by
3 others intended to be offered as a statement of the MOHAMAD
4 YASSIN ALCHARIH;

5
6 m. (Due to the enormous volume of discovery in this case) Any evidence
7 or information that falls within Rule 12(b)(4) (*see* ¶8) to *be*
8 *specifically identified from among the items of other discovery* that
9 has been or will be produced pursuant to Rule 16.

10
11 I declare under penalty of perjury, that the foregoing is true and correct.

12 Dated this 17th day of October 2019.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



Mohamad Yassin Alcharihi